

EXHIBIT B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

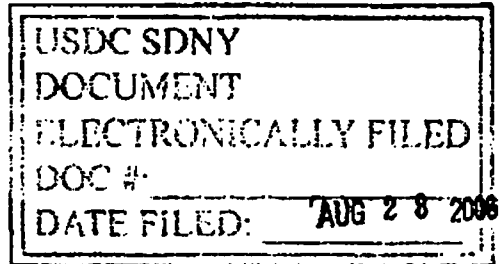
GERALD DUCHENE, SCOT BERENSON, MARIAN
BOCRIS, HUSEIN BRACIC, GABY CUCU, JOSE
DAFRAGA, PJETROVIC DAMIR, DANIEL DURDEK
OMAR EBIED, NARI FERREIRA, SALAH HELAL,
SEAD HOT, ALI KASMI, LADISLAV KULISEK,
FADIL KURMEMOVIC, MARIN MESIC, JOSE
MONGE, EDELMIRO MORENO, SAMMY
MUSOVIC, LAURENCE O'NEILL, IVAN PAVICIC,
SUCKO PJETROVIC, FIKRET RZDONCIC,
FAHRUDIN REDZEPAGIC, ALAETTIN SANGU,
VICTOR SIMOES, DANIEL SUAREZ, BLAISE
YAKSICK, on behalf of themselves and all others
similarly situated,

Plaintiffs,

-against-

MICHAEL L. CETTA, INC., d/b/a SPARKS
STEAK HOUSE,

Defendant.



06 Civ. 4576 (PAC)

ORDER

IT IS HEREBY ORDERED that pursuant to Section 216(b) of the Fair Labor
Standards Act:

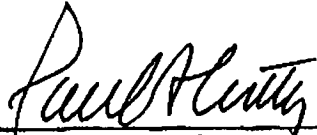
- (1) This matter will proceed as a collective action for all waiters who worked for defendant Michael L. Cetta, Inc., d/b/a Sparks Steak House since June 14, 2003; *as amended* *PC*
- (2) Plaintiffs' Notice of Lawsuit concerning the collective action (Exhibit A) and Consent to Sue form (Exhibit B) are approved; *to the extent not already done so,* *PC*
- (3) Defendant shall disclose immediately the names and last known addresses and telephone numbers of each individual who was employed by defendant as a waiter from June 14, 2003 to the present; and

EXHIBIT B

- (4) Plaintiffs shall mail the Notice of Lawsuit and Consent to Sue form to the individuals required to be disclosed by defendants.

Dated: New York, New York
August 24, 2006

SO ORDERED:



HON. PAUL CROTTY
U.S.D.J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GERALD DUCHENE, SCOT BERENSON, MARIAN :
BOCRIS, IJUSEIN BRACIC, GABY CUCU, JOSE :
DAFRAGA, PJETROVIC DAMIR, DANIEL DURDEK :
OMAR EBIED, NARI FERREIRA, SALAH HELAL, :
SEAD HLOT, ALI KASMI, LADISLAV KULISEK, :
FADIL KURMEMOVIC, MARIN MESIC, JOSE :
MONGE, EDELMIRO MORENO, SAMMY :
MUSOVIC, LAURENCE O'NEILL, IVAN PAVICIC, : NOTICE OF LAWSUIT
SUCKO PJETROVIC, FIKRET RZDONCIC, :
FAHRUDIN REDZEPAGIC, ALAETTIN SANGU, :
VICTOR SIMOES, DANIEL SUAREZ, BLAISE :
YAKSICK, on behalf of themselves and all others :
similarly situated, :
:
Plaintiffs, : 06 Civ. 4576 (PAC)
:
-against- :
:
MICHAEL L. CETTA, INC., d/b/a SPARKS :
STEAK HOUSE, :
:
Defendant. :
-----X

1. Introduction to the Case

This notice is to inform you of a lawsuit pending in the United States District Court, Southern District of New York, against Michael L. Cetta, Inc., d/b/a Sparks Steak House ("Sparks"). The lawsuit claims that Sparks violated the Fair Labor Standards Act and the New York Labor Law by failing to compensate its waiters at the federal and state minimum wage, and making unlawful deductions from waiters' wages by diverting the tips of the waiters to non-waiters (e.g. banquet manager, kitchen manager, wine cellar master, appetizer expeditors, and bartenders). The lawsuit seeks to have Sparks pay the plaintiffs the amount of the "tip credit" which was deducted from waiter's wages as well as unpaid tips that were diverted to non-waiters, liquidated damages, interest, attorneys' fees and costs. Sparks has denied the allegations of the lawsuit. No final decision on the merits of this lawsuit has been made by the Court.

2. To Join the Case and be Represented by Plaintiffs' Counsel

If you worked at Sparks as a waiter since June 14, 2003, you are eligible to join the lawsuit against Sparks. You may join the case (that is, you may "opt in") by completing and returning the attached "Consent to Sue" form, no later than one-hundred twenty (120) days after the date of this Notice of Lawsuit, to Berke-Weiss and Pechman LLP, attorneys for the plaintiffs', at the following address:

Louis Pechman, Esq.
Berke-Weiss & Pechman LLP
488 Madison Avenue, 11th Floor
New York, New York 10022
Tel. (212) 583-9500
www.bwp-law.com

You may contact Berke-Weiss & Pechman LLP if you need further information about the case, or about how to join the lawsuit. If you fail to return the "Consent to Sue" form to Berke-Weiss & Pechman LLP in time for it to be filed with the Court on or before the above deadline, you might not be able to participate in this lawsuit.

If you choose to join this lawsuit, you will be bound by the judgment whether it is favorable or unfavorable to the plaintiffs.

3. Fees for the Attorneys

Berke-Weiss & Pechman LLP is handling the lawsuit on a contingency fee basis, which means that if there is no recovery, they will not recover a fee. If there is a recovery, Berke-Weiss & Pechman LLP will receive the greater of (i) the full amount of attorneys' fees awarded by the Court and paid by Sparks, or, (ii) one-third (i.e. 33.33%) of the gross aggregate monetary recovery, including attorneys' fees awarded, computed on the net sum recovered after deducting any out-of-pocket expenses properly chargeable to the prosecution of the case. *If there is no recovery, you will be responsible for the expenses of litigation, including court costs*) *PTZ*

4. To Stay Out of the Lawsuit *and disbursements*

If you do not wish to be part of the lawsuit, you do not have to do anything. If you do not join the lawsuit, you will not be part of the case in any way, and will not be bound or affected by the result, whether favorable or unfavorable to the plaintiffs. However, please note that claims under the Fair Labor Standards Act must be brought within two years, unless the employer's violation of the law was "willful," in which case the claims must be brought within three years of the alleged violation.

5. No Retaliation Permitted

Sparks is prohibited by law from taking any retaliatory action against any person, including a current employee, *who joins the lawsuit by return of joining the lawsuit*) *PTZ*

THIS NOTICE AND ITS CONTENTS HAVE BEEN
AUTHORIZED BY THE HONORABLE PAUL A. CROTTY,
UNITED STATES DISTRICT JUDGE OF THE UNITED
STATES DISTRICT COURT, SOUTHERN DISTRICT OF
NEW YORK.

Dated: New York, New York
August 28, 2006

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BOCRIS, HUSEIN BRACIC, GABY CUCU, JOSE :
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YAKSICK, on behalf of themselves and all others :
similarly situated, :

Plaintiffs,

: CONSENT TO SUE

-against-

MICHAEL L. CETTA, INC., d/b/a SPARKS
STEAK HOUSE,

Defendant.

-----X
I have read the Notice of Lawsuit and hereby consent to be a plaintiff in
the case of *Gerald Duchene, et al., v. Michael L. Cetta, Inc. d/b/a Sparks Steak House*,
06 Civ. 4576 (PAC). I authorize the law firm of Berke-Weiss & Pechman LLP to
represent me in this case.

Dated: _____, 2006

Signature: _____
Name: _____
Address: _____

Telephone: _____